GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR & RD Department – Allegation of making excess payment without considering Quality Control inspection reports in respect of (27) works covered in WP No. 18708/2021 – Causing loss to Government exchequer to an amount of Rs.5,46,272/- - Common disciplinary proceedings and charges against **Sri M. Eraswamy, former Executive Engineer**, PRI Division, Narsaraopet and (**6**) **others** of Guntur District under Rule 20 of APCS (CC&A) Rules, 1991 – Written statements of defence received – Considered - Further action dropped - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 609 **Dated: 04-11-2024**

Read the following:

1. Brief history of bills statement dt: 15.07.2022 submitted by the EE, PR Division, Narasaraopeta, Guntur District.
2. G.O.Rt.No. 598, PR&RD (Vig. II) Department, dt: 21.07.2022.
3. G.O.Rt.Nos. 599, 600, 601, 602, 603, 604, 605, PR&RD (Vig. II) Department, Dt: 21.07.2022.
4. From Sri M. Eraswamy, former EE, PR, Narsarapet and SE, PR, Machilipatnam, written statement of defence, dt:12.09.2022.
5. From Sri Y.C. Subbarayudu, EE, PR, Narsaraopet, WSD dt:13.10.2022.
6. From Sri P. Srinivasa Rao, MEO, MPP, Bollapalli, WSD dt: 17.09.2022.
7. From Sri N. Sampath Kumar, former Dy.EE, PRISD, Vinukonda, and presently working as DY.EE, PIUSD, Macherla, WSD, dt:06.10.2022.
8. From Sri T.Siva kumar, the then Panchayat Secretary, Bollapalli & Sarikondapalem GPs, Bollapalli Mandal, Guntur District, WSD dt: 04.04.2024.
9. From Sri S. Edukondalu, the then Pts. Secretary, Remidichurla & Mugachinthalapalem GP, Bollapalli Mandal, Guntur Dist., WSD, dt: Nil (received on 16.04.2024)
10. From Sri K.V. Prasad, the then Pts. Secy., Vellatur & Naidupalem GP in Bollapalli Mandal, WSD, dt: 27.03.2024.
11. The judgment dt:12.10.2023 of the Hon'ble Division Bench of High Court in Writ Appeal No. 724 of 2021 and batch (covering the Writ Appeal No. 191 of 2022 filed by aggrieving the orders of the Hon'ble High Court in WP No. 18708/2021).
12. From the ENC,PR, Letter No. Vig. III (1)/1982/2022, dt: 08.08.2024.

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ORDER:

The contractor Sri Pemmasani Nageswara Rao, R/o. Vaddemgunta (V) Bollapalli (M), Guntur District has filed W.P.No.18708/2021 praying the Hon'ble High Court of A.P., to direct the Respondents for payment for the works executed under MGNREGS convergence with SDF, 14th Finance Grant, ST & SCP. The Hon'ble High Court of AP in their interim orders dt:01.09.2021 directed to clear the bills within a period of two weeks. Further, the Hon'ble High Court in

its common judgment in WP No.10038 of 2021 and Batch of 1100 WPs, dated:05.10.2021, allowed the said WP. Subsequently, the Petitioner has filed Contempt Case No.13/2022 for non-compliance of the Hon'ble High Court of AP orders.

2. In the reference 1st read above, the Executive Engineer, PRI, Narsaraopet has submitted brief history of bills arising in WP informing that, the first & second payments were made an amount of Rs.2,65,65,244/- (MGNREGS) Rs.12,61,393/-(SDF). However, the O/o. Executive Engineer, PR Division Narasaraopeta and concerned Panchayat Secretaries of Gram Panchayats, without deducting QC recoveries / withheld amounts proposed by the Quality Control Inspection Teams in its Report dated:13.06.2020 & 29.06.2020, have made payments to a tune of Rs.5,46,272/- (excess payment) in the works and caused loss to Government exchequer. He has informed that the following seven (7) personnel are responsible for making excess payment:

Sl. No.	Name	Designation	Place of working
1	Sri M. Eraswamy	Former EE	PRI Division, Narasaraopeta.
2	Sri Y.C. Subba Rayudu	EE	-do-
3	Sri N. Sampath Kumar	Former DEE	PRI Sub-Division, Vinukonda
4	Sri P. Srinivasa Rao	Former MEO	MPP, Bollapalli
5	Sri T.Siva Kumar	Panchayat Secretary	Bollapalli GP & Sarikondayaipalem GP of Bollapalli Mandal
6	Sri S. Edukondalu	Panchayat Secretary	Mugachintapalem GP of Bollapalli Mandal
7	Sri K.V. Prasad	Panchayat Secretary	Vellatur GP & Naidupalem GP of Bollapalli Mandal

3. Accordingly, in the reference 2nd read above, Government have initiated common disciplinary proceedings against the above seven (7) personnel under Rule 24 of APCS (CC&A) Rules, 1991. Simultaneously, vide reference 3rd read above, the following sole article of charge have been framed against them respectively with a direction to submit their written statements of defence:

Charge:

That the AOs have made payment for (27) works executed by the writ petitioner in WP No.18708/2021. But they have made above payment without deducting the recoveries proposed by the QC inspection team reports dt:13.06.2020 & 29.06.2020 towards deficiencies in quality and quantity with regard to approved estimates. The said QC reports were prior to making payments thus caused loss to Government exchequer to a tune of

Rs.5,46,272/- (excess payment) in the above (27) works in the above WP and CC No.13/2022.

Thus the AOs have failed to discharge their legitimate duties properly and acted for their personal gain and gross negligence in attending their legitimate duties and acted in contravention of Rule 3 of APCS (Conduct) Rules, 1964.

4. In the references 4th to 10th read above, the Charged Officers 1 to 7 have submitted their written statements of defence respectively and they have submitted a common contention stating that at the time of processing bills, neither Quality Control Authorities nor Social Audit Teams inspected all the above (27) works. However with due care, they have withheld prescribed percentage of amounts as per rules in vogue. Government framed article of charge based on the report of Executive Engineer, PRI, Narsaraopet that an excess amount of Rs.5,46,272/- was paid to the Writ Petitioner. Upon verification of records, it has been noticed that, the O/o. the Executive Engineer, PR, Narsaraopet without proper checking of records and M.Books, have submitted wrong information to higher authorities leading to unnecessary confusion at higher level and initiation of disciplinary action against them. Actually there is no loss towards (27) works payments even after recovery proposed by QC authorities. The Charged Officers have requested to consider their written statements of defence and to exonerate them from the charge framed.

5. In the reference 12th read above, the Engineer-in-Chief, Panchayat Raj, has furnished report and informed that there is no willful misappropriation of Government funds or no loss. It has been happened due to wrong interpretation in calculation and furnished payments to the Contractor and requested the Government to pass necessary orders in the matter. The Superintending Engineer, Panchayat Raj, Guntur has also furnished Annexures relating to statement of (27) works and payment details which have been certified by the O/o. the Executive Engineer, PRI Division, Narsaraopet on 12.06.2024, according to which, it has been observed that, there was no excess amount paid to the Writ Petitioner.

6. In the reference 11th read above, the Hon'ble Division Bench of High Court of A.P., in common judgment in WA No. 724 of 2021 and Batch, have modified the earlier judgments of High court of A.P., and directed for further inquiry etc., wherein, among others, the Writ Appeal No. 191 of 2022 has been covered filed by aggrieving the orders of the Hon'ble High Court in present WP No. 18708/2021. Further, the Hon'ble High Court of AP, while observing that 'the respondents filed writ appeal and pending and that the petitioner is not pressing the CC and no further adjudication is required and accordingly closed the CC No.13/2022 on 21.10.2022'.

7. After careful examination of the matter and duly keeping in view the report of the Engineer-in-Chief, Panchayat Raj, the Government have taken a decision to consider the written statements of defence of the seven (7) charged Officers as found satisfactory in the matter.

8. Accordingly, Government hereby drop further action against (**i**) Sri M. Eraswamy, former Executive Engineer, PRI, Narsarapet (retired as SE, PR); (**ii**) Sri Y.C. Subbarayudu, Executive Engineer, PR; (**iii**) Sri N. Sampath Kumar, former Deputy Executive Engineer, PRISD, Vinukonda; (**iv**) Sri P. Srinivasa Rao, Mandal Engineering Officer, MPP, Bollapalli; (**v**) Sri T. Siva Kumar, Panchayt Secretary, Bollapalli Mandal; (**vi**) Sri S. Edukondalu, Panchayt Secretary, Bollapalli Mandal and (**vii**) Sri K.V. Prasad, Panchayat Secretary, Bollapalli Mandal, in the matter.

9. The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada and the Director, Panchayat Raj and Rural Development, AP, Tadepalli are requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, AP, Vijayawada.
The Director, Panchayat Raj and Rural Development, AP, Tadepalli, Guntur District.

1. Sri M. Eraswamy, former Executive Engineer, PRI Division, Narsaraopet and SE, PR (Retired)
2. Sri Y.C. Subbarayudu, Executive Engineer, PRI, Narsaraopet
3. Sri N. Sampath Kumar, former Deputy Executive Engineer,PRISD, Vinukonda
4. Sri P. Srinivasa Rao, Mandal Engineering Officer, MPP, Bollapalli

through the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada.

5. Sri T. Siva Kumar, Panchayat Secretary, Bollapalli Mandal
6. Sri S. Edukondalu, Panchayat Secretary, Bollapalli Mandal
7. Sri K.V. Prasad, Panchayat Secretary, Bollapalli Mandal

through the Director, Panchayat Raj & Rural Development, AP, Tadepalli, Guntur District.

Copy to:
The PR&RD (Estt. I) Department.
The PR&RD (Mdl.II) Department.
OSD to the Hon'ble Dy.C.M for PR&RD Department.
PS to Principal Secretary to Govt, PR&RD. Department.
SF/SC.

//FORWARDED:: BY :: ORDER//

SECTION OFFICER